

SENATE BILL

No. 878

Introduced by Senator Cox

February 23, 2007

~~An act to amend Section 530.5 of the Penal Code, relating to identity theft.~~ *An act to add Section 4759 to the Penal Code, relating to prisons.*

LEGISLATIVE COUNSEL'S DIGEST

SB 878, as amended, Cox. ~~Identity theft.~~ *Prison construction costs: mitigation.*

Existing law provides that a city, county, or superior court shall be entitled to reimbursement for reasonable and necessary costs, connected with state prisons, state prisoners, state hospitals, and inmates housed and treated in state hospitals, as specified.

This bill would require the state and the Department of Corrections and Rehabilitation to mitigate local impacts of prison construction projects, as specified.

This bill would express the intent of the Legislature that this mitigation shall be in the same proportion as the levels of impact created by the projects, as specified.

This bill would require that the state and the department provide full reimbursement for all direct services provided by local agencies to the department, and within the same time period as allowed for reimbursement for services provided by the state for other projects.

~~Existing law makes it a crime, punishable as specified, to obtain, use, acquire, retain, sell, transfer or convey personal identifying information of another person, for specified purposes, or to commit mail theft as defined under federal law.~~

~~This bill would make a technical, nonsubstantive change in that provision.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION. 1. Section 4759 is added to the Penal Code, to read:*

2 *4759. (a) The state and the Department of Corrections and*
3 *Rehabilitation shall mitigate local impacts of any prison*
4 *construction project. Impacts for which mitigation shall be*
5 *provided include, but are not limited to, impacts in the areas of*
6 *water services, wastewater treatment, storage and disposal,*
7 *transportation, health care services, education, fire protection,*
8 *and law enforcement.*

9 *(b) It is the intent of the Legislature that this mitigation shall*
10 *be in the same proportion to the levels of impact created by the*
11 *projects as the proportion of the levels of impact of other projects*
12 *approved by the local governing jurisdiction hosting the facility.*

13 *(c) The state and the Department of Corrections and*
14 *Rehabilitation shall provide full reimbursement for all direct*
15 *services provided by local agencies to the department. This*
16 *reimbursement shall be provided within the same time period as*
17 *allowed by the state for the payment for services provided by the*
18 *state.*

19 ~~SECTION 1. Section 530.5 of the Penal Code is amended to~~
20 ~~read:~~

21 ~~530.5. (a) Every person who willfully obtains personal~~
22 ~~identifying information, as defined in subdivision (b) of Section~~
23 ~~530.55, of another person, and uses that information for any~~
24 ~~unlawful purpose, including to obtain, or attempt to obtain, credit,~~
25 ~~goods, services, real property, or medical information without the~~
26 ~~consent of that person, is guilty of a public offense, and upon~~
27 ~~conviction therefor, shall be punished by a fine, by imprisonment~~
28 ~~in a county jail not to exceed one year, or by both a fine and~~
29 ~~imprisonment, or by imprisonment in the state prison.~~

30 ~~(b) In any case in which a person willfully obtains personal~~
31 ~~identifying information of another person, uses that information~~
32 ~~to commit a crime in addition to a violation of subdivision (a), and~~
33 ~~is convicted of that crime, the court records shall reflect that the~~

1 ~~person whose identity was falsely used to commit the crime did~~
2 ~~not commit the crime.~~

3 ~~(e) (1) Every person who, with the intent to defraud, acquires,~~
4 ~~or retains possession of the personal identifying information, as~~
5 ~~defined in subdivision (b) of Section 530.55, of another person is~~
6 ~~guilty of a public offense, and upon conviction therefor, shall be~~
7 ~~punished by a fine, by imprisonment in a county jail not to exceed~~
8 ~~one year, or both a fine and imprisonment.~~

9 ~~(2) Every person who, with the intent to defraud, acquires or~~
10 ~~retains possession of the personal identifying information, as~~
11 ~~defined in subdivision (b) of Section 530.55, of another person,~~
12 ~~and who has previously been convicted of a violation of this section~~
13 ~~upon conviction therefor shall be punished by a fine, by~~
14 ~~imprisonment in a county jail not to exceed one year, or by both~~
15 ~~a fine and imprisonment, or by imprisonment in the state prison.~~

16 ~~(3) Every person who, with the intent to defraud, acquires or~~
17 ~~retains possession of the personal identifying information, as~~
18 ~~defined in subdivision (b) of Section 530.55, of 10 or more other~~
19 ~~persons is guilty of a public offense, and upon conviction therefor,~~
20 ~~shall be punished by a fine, by imprisonment in a county jail not~~
21 ~~to exceed one year, or by both a fine and imprisonment, or by~~
22 ~~imprisonment in the state prison.~~

23 ~~(d) (1) Every person who, with the intent to defraud, sells,~~
24 ~~transfers, or conveys the personal identifying information, as~~
25 ~~defined in subdivision (b) of Section 530.55, of another person is~~
26 ~~guilty of a public offense, and upon conviction therefor, shall be~~
27 ~~punished by a fine, by imprisonment in a county jail not to exceed~~
28 ~~one year, or by both a fine and imprisonment, or by imprisonment~~
29 ~~in the state prison.~~

30 ~~(2) Every person who, with actual knowledge that the personal~~
31 ~~identifying information, as defined in subdivision (b) of Section~~
32 ~~530.55, of a specific person will be used to commit a violation of~~
33 ~~subdivision (a), sells, transfers, or conveys that same personal~~
34 ~~identifying information is guilty of a public offense, and upon~~
35 ~~conviction therefor, shall be punished by a fine, by imprisonment~~
36 ~~in the state prison, or by both fine and imprisonment.~~

37 ~~(e) Every person who commits mail theft, as defined in Section~~
38 ~~1705 of Title 18 of the United States Code, is guilty of a public~~
39 ~~offense, and upon conviction therefor shall be punished by a fine,~~
40 ~~by imprisonment in a county jail not to exceed one year, or by both~~

1 a fine and imprisonment. Prosecution under this subdivision shall
2 not limit or preclude prosecution under any other provision of law,
3 including, but not limited to subdivisions (a) to (c), inclusive, of
4 this section.

5 (f) An interactive computer service or access software provider,
6 as defined in subsection (f) of Section 230 of Title 47 of the United
7 States Code, shall not be liable under this section, unless the service
8 or provider acquires, transfers, sells, conveys, or retains possession
9 of personal information with the intent to defraud.